

# PLANNING COMMISSION REPORT



MEETING DATE: May 10, 2006

ITEM NO. \_\_\_\_\_ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT **Gold Dust Lot Split- 1-AB-2006**

REQUEST Request to consider the following:

1. Abandon the south 33-foot GLO easement along the E. Gold Dust Avenue alignment.
2. Abandon the west 33-foot GLO easement along the N. 127<sup>th</sup> Street alignment.
3. Abandon the **EAST** 33-foot GLO easement at the approximate location of the N. 126th Place alignment.

**Related References:**

19-LD-2006, 1-HE-2006, 4-AB-2006

OWNER Keith Tinyo

APPLICANT CONTACT Mark Schell  
Pridemark Residential  
480-951-7450

LOCATION 12655 E Gold Dust Avenue

BACKGROUND

**Background.**

The subject General Land Office (GLO) easements were reserved on the original patent deed to assure legal access in 1954. The GLO easements exist on the north, east, and west sides of the 2.5-acre vacant property.



**General Land Office (GLO) Patent Easements (general information).**

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.
- Most GLO lots were patented with 33 feet (or sometimes 50 feet) roadway and public utility easements typically “as near as practicable to the exterior boundaries.”
- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e., lot splits, subdivisions or requesting building permits), staff requires city right-of-way dedications per our circulation plans. The city’s transportation plan establishes a street system to replace the grid pattern created by the GLO easements.
- Any patent easements in excess of the current requirements of the circulation plans (including trails), roadway standards, and not required to

- ensure access to any other lot, may be requested to be abandoned.
- In 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all right-of-ways, alleys, and roadway easements. The City Attorney's office has concluded that this process for consideration of GLO roadway abandonment satisfies legal requirements.
- On August 12, 2005, Arizona Revised Statute section 9-500.4 became effective. This section gives the local municipality the right to abandon their interest in GLO patent easements, and concurs with the city's position on abandonment of GLO patent easements.

### **Zoning/Context.**

The site is zoned Single Family Residential, Environmentally Sensitive Lands District (R1-43 ESL), which allows for single-family residential lots having a minimum lot size of 43,000 square feet. The surrounding area is zoned R1-43 ESL, and has developed with large single-family lots through various lot split processes.

### **Adjacent Uses and Zoning:**

- North Two vacant single-family lots, zoned R1-43 ESL
- South One single-family residence and one vacant single family lot, zoned R1-43 ESL
- East One single-family residence, zoned R1-43 ESL
- West Two single-family residences, zoned R1-43 ESL

There is also an active request to split this 2.5-acre lot into two lots, with a proposed new property line running north-south in the center of the property (Case 19-LD-2006). The applicant also has submitted a Hardship Exemption request pertaining to the ESL requirements that require perimeter walls to be located 15-feet from the property line (Case 1-HE-2006), which will likely be scheduled for a City Council hearing in the near future.

Walls and structures historically exist within and around the GLO easements in this area, and there have been several approved GLO abandonments in this area. The N. 127<sup>th</sup> Street roadway east of this property was abandoned in 1995 (Case 2-AB-1995). There is an active application to abandon the connecting GLO easements located immediately south of this property (Case 4-AB-2006), which will likely be schedule for a Planning Commission hearing in the near future.

### **APPLICANT'S PROPOSAL**

### **Goal/Purpose of Request.**

This request is to abandon the 33-foot GLO easements located on the north, **WEST**, and east sides of the property. The abandonment request is in conjunction with the applicant's request to split the property for residential development. Access to the property will be provided by E. Gold Dust Avenue, and necessary right-of-way, utility easements, and trail easements will be provided.

## IMPACT ANALYSIS

**Community Impact.**GLO Easement along E. Gold Dust Avenue:

The north half-width of E. Gold Dust Avenue adjacent to the site consists of a 25-foot right-of-way and an 8-foot trail easement. Similarly, a 25-foot roadway right-of-way dedication along E. Gold Dust Avenue is required for the south half-width, along with an additional 8-foot public trail and utility easement along the south side of the new right-of-way (for a total of 33 feet). Since the E. Gold Dust GLO easement is also 33 feet, there should be no abandonment of that GLO easement. The right-of-way dedication and trail/utility easement will be provided prior to site development. The new property line will be located 25 feet from the centerline of the road, and the 8-foot trail/utility easement will be located on the property. The current 33-foot GLO easement will simply underlay the 25-foot right-of-way and the 8-foot trail/utility easement. (see Attachment #9)

GLO Easements along the N. 127<sup>th</sup> Street and the N. 126<sup>th</sup> Place alignments:

The proposal will not affect the existing or planned street/trail network for this area. There is no need to have street access along the N. 127<sup>th</sup> Street alignment or the N. 126<sup>th</sup> Place alignment at this location. The surrounding properties will continue to have access to either E. Gold Dust Avenue to the north, 126<sup>th</sup> Street to the west, or E. Turquoise Avenue to the south.

**Departmental Responses.**

City Department/Division participants concur with this abandonment request. See Department Issues Checklist (Attachment #1).

**Community Involvement.**

The site has been posted and surrounding properties have been notified. The property owner to the south submitted an email that supports this request, and also submitted an application to abandon the connecting GLO easements between this property and E. Turquoise Avenue to the south (Case 4-AB-2006). The property owner to the east also submitted a letter in support of this request. (see Attachment #8)

## STAFF

## RECOMMENDATION

**Recommended Approach:**

Staff recommends the following:

1. Denial of the abandonment of the south 33-foot GLO easement along the E. Gold Dust Avenue alignment.
2. Approval of the abandonment of the west 33-foot GLO easement along the N. 127<sup>th</sup> Street alignment.
3. Approval of the abandonment of the **EAST** 33-foot GLO easement at the approximate location of the N. 126<sup>th</sup> Place alignment.

This recommendation is subject to the following stipulations:

- A. The property owner shall dedicate twenty five (25) feet of right-of-way for a public roadway along the E. Gold Dust Avenue frontage.
- B. The property owner shall provide an 8-foot public trail and utility easement along the south side of the new E. Gold Dust Avenue right-of-way.

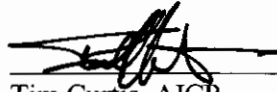
RESPONSIBLE  
DEPT(S)**Planning and Development Services Department**

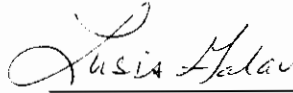
## Scottsdale Planning Commission Report

1-AB-2006

**STAFF CONTACT(S)** Tim Curtis, AICP  
Principle Planner  
480-312-4210  
E-mail: tcurtis@ScottsdaleAZ.gov

**APPROVED BY**

  
\_\_\_\_\_  
Tim Curtis, AICP  
Report Author

  
\_\_\_\_\_  
Lusia Galav, AICP  
Current Planning Director

**ATTACHMENTS**

1. Departmental Checklist
2. Context Aerial
3. Detail Aerial
4. Zoning Map
- 5A. Context Right-of-Way and Easements
- 5B. Detail Right-of-Way and Easements
6. Area Trails Plan
7. City Notification Map
8. Citizen Involvement
9. Right-of-way/Trail Stipulation Exhibit

# **CASE 1-AB-2006**

## **Department Issues Checklist**

### **Transportation**

☒ **Support**

The abandonment will not affect the existing or planned street network for this area. The applicant will be required to provide a 25-foot roadway dedication along E. Gold Dust Avenue. There is no need to have street access along the N. 127<sup>th</sup> Street alignment or the N. 126<sup>th</sup> Place alignment at this location. The surrounding properties will continue to have access to either E. Gold Dust Avenue to the north, 126<sup>th</sup> Street to the west, or E. Turquoise Avenue to the south.

### **Trails**

☒ **Support**

The Trail Master Plan shows a trail along the E. Gold Dust Avenue alignment. The applicant will be required to provide an 8-foot public trail and utility easement long the south side of the E. Gold Dust Avenue right-of-way.

### **Adjacent Property Owner Notification**

☒ **Support**

The site has been posted and surrounding properties have been notified. The property owners to the east and south submitted written support of this request.

### **Public Utilities**

☒ **Support**

Letters of support from the affected public utility companies are on file with the City of Scottsdale.

### **Emergency/Municipal Services**

☒ **Support**

The abandonment will have no impact on the ability to provide emergency or other municipal services to the adjacent properties or surrounding area.

### **Water/Sewer Services**

☒ **Support**

The abandonment will have no impact on water or sewer services.

### **Drainage**

☒ **Support**


The abandonment will have no impact on drainage.





# Gold Dust Lot Split

## Legend

 GLO Patent Easements to be Abandoned

**1-AB-2006**

ATTACHMENT #2






Q.S.  
28-58

G.I.S. ORTHOPHOTO 2003

## Gold Dust Lot Split

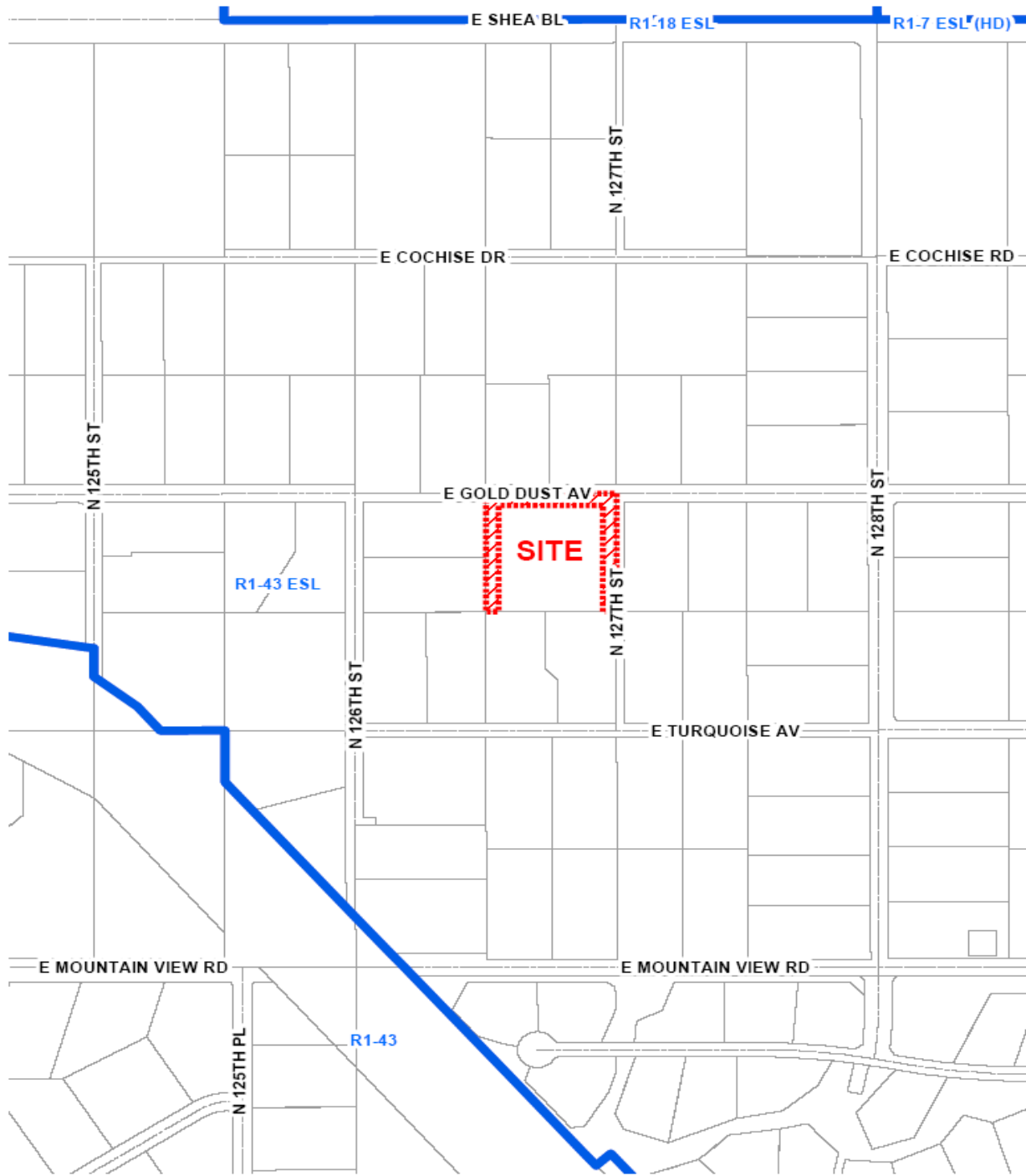
Legend

 GLO Patent Easements to be Abandoned

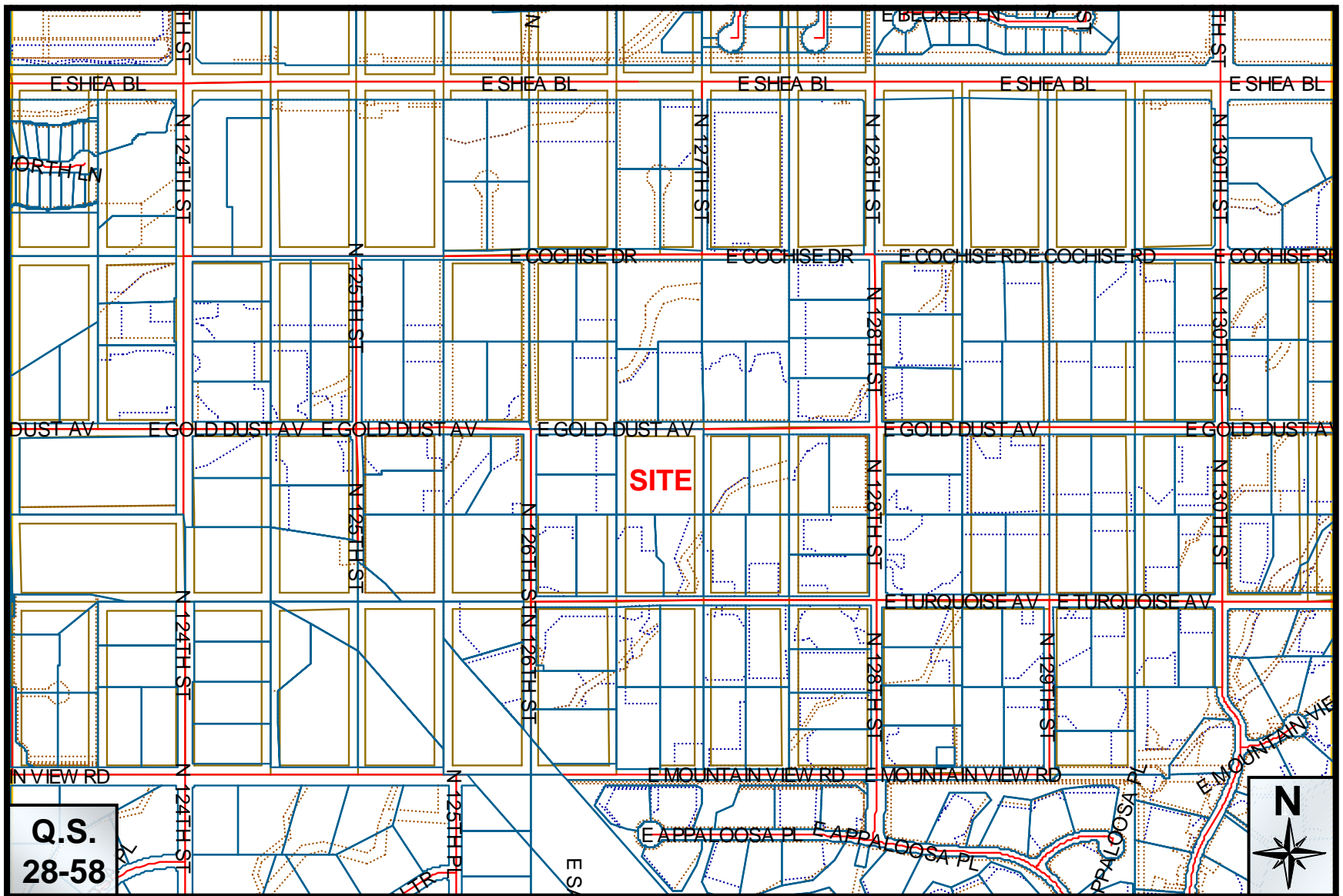
1-AB-2006

ATTACHMENT #3

**Zoning Map**





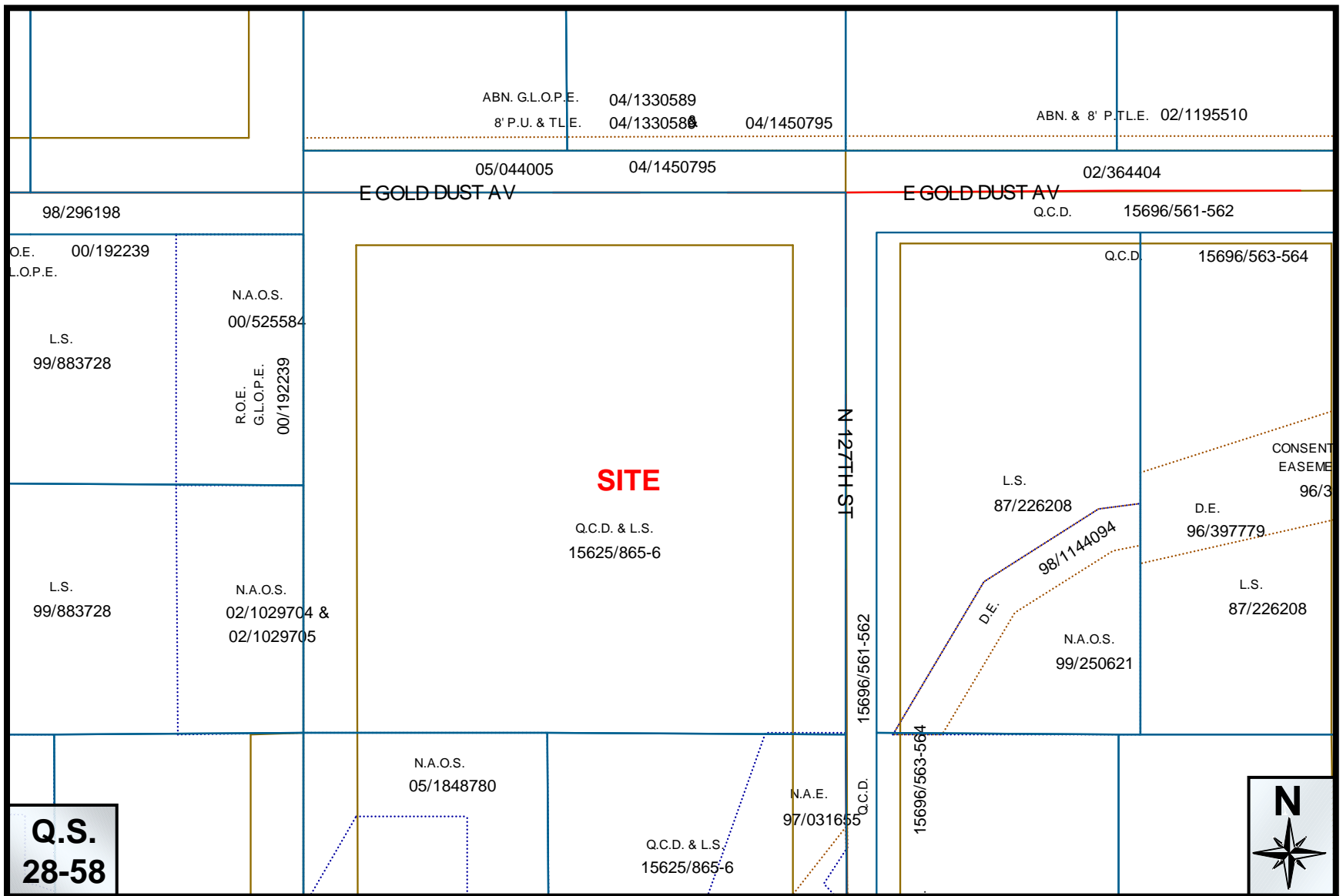


## Gold Dust Lot Split

**Legend**  
Parcel  
Easement  
**Street**

# 1-AB-2006

Easements & Right-of-Way  
Attachment # 5A



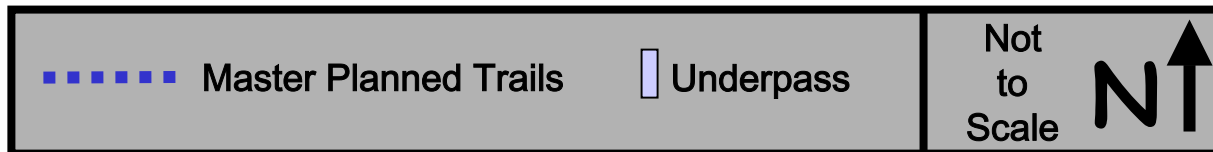
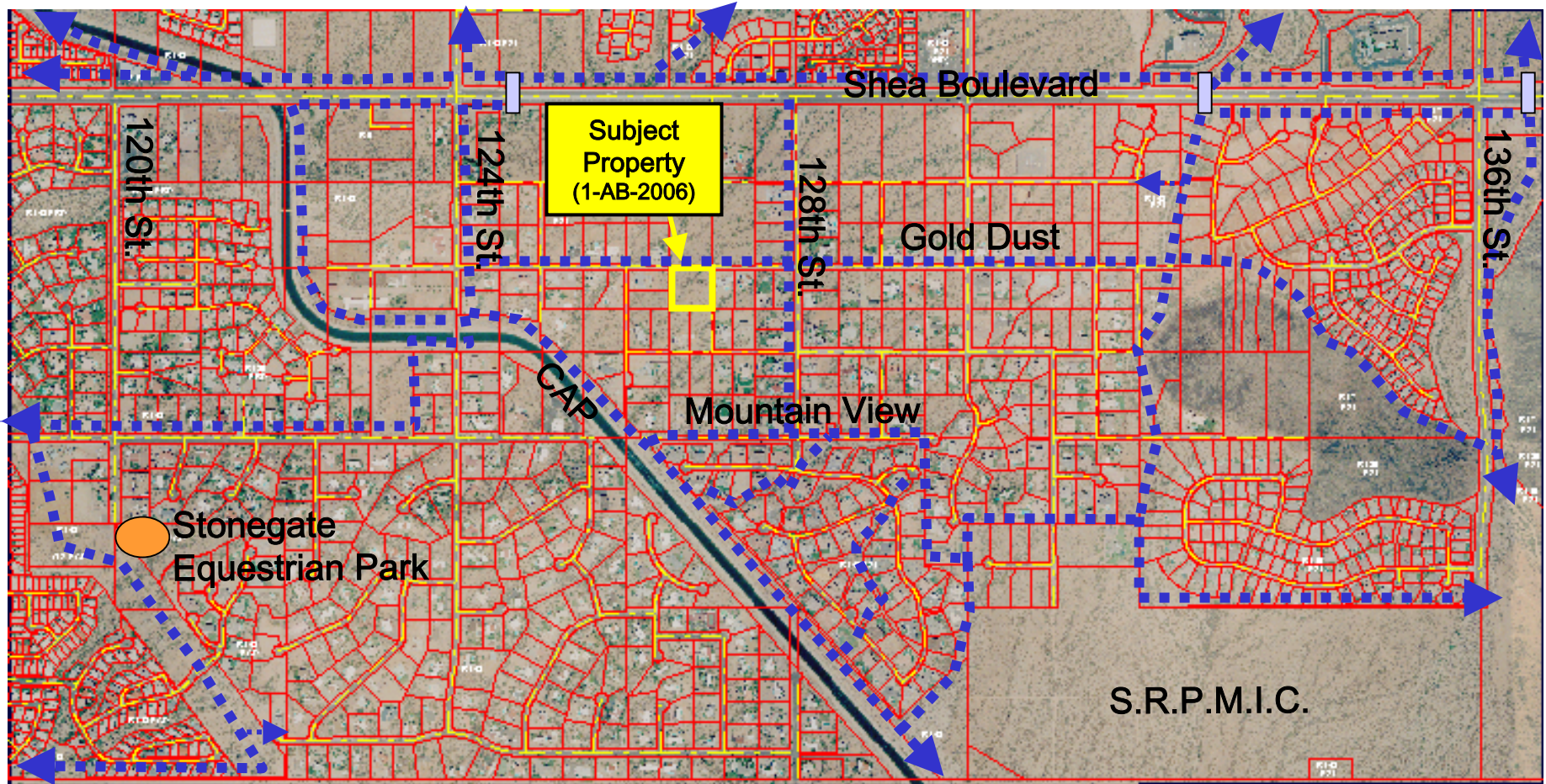
## Gold Dust Lot Split

**Legend**  
**Parcel**  
**Easement**  
**Street**

# 1-AB-2006

**Easements & Right-of-Way**  
**Attachment # 5B**

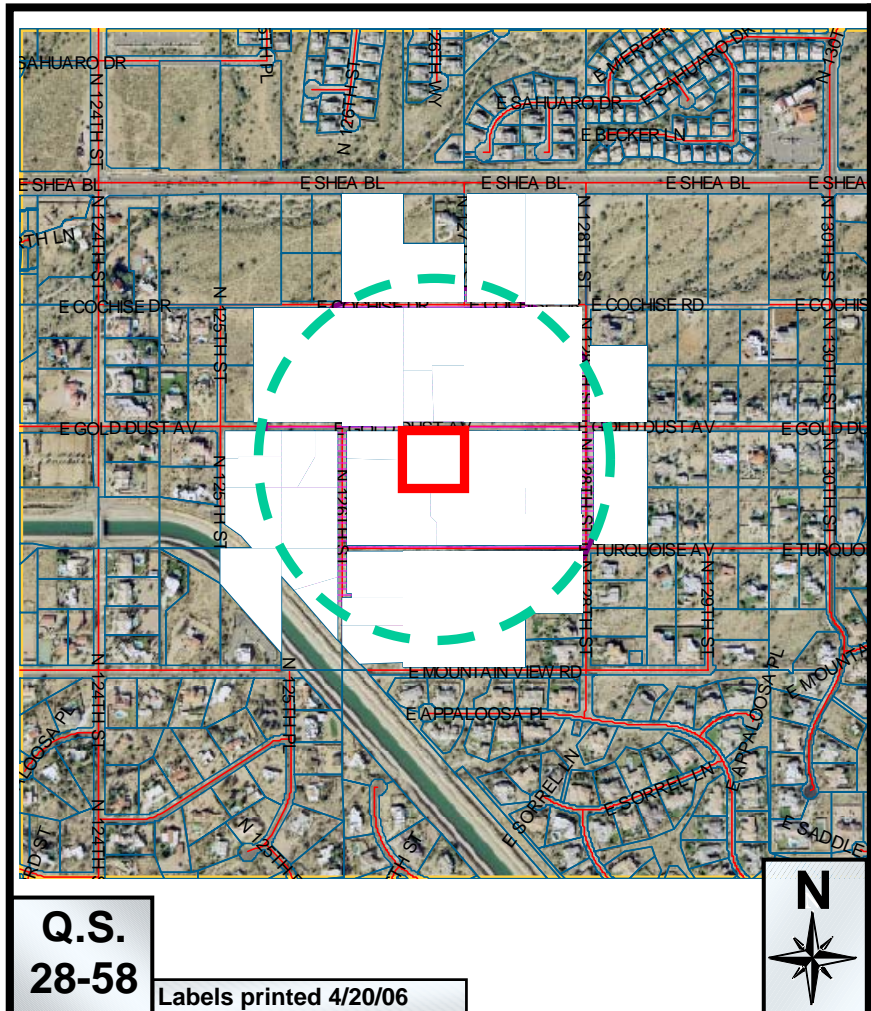
# Master Planned Trails in the East Shea Area



May 2006



# City Notifications – Mailing List Selection Map



## Map Legend:



Site Boundary



Properties within 750-feet

## Additional Notifications:

- Interested Parties
- Coalition of Pinnacle Peak (C.O.P.P.)
- Neighbors South of Shea
- NESPOA

Gold Dust Lot Split

**1-AB-2006**

ATTACHMENT #7

**Mark Schell**

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**From:** <apachejwr@netscape.net>  
**To:** <rmschell@pridemarkresidential.com>  
**Sent:** Wednesday, March 08, 2006 8:50 PM  
**Subject:** Support for GLO abandonment

Hi Mark,

As we have discussed on the phone several times, I am in complete support of your request to abandon the GLO around your property on Gold Dust Ave, in Scottsdale. It is located just north of my property. I can offer this support because I am aware that the utilities to this area have all be installed and available to all properties that could be affected by the abandonment. I especially agree that the 27th St right of way should be abandoned. Much of it on your east boundary has already been encroached by building and it has been abandoned north and south (at least) of your and my properties. Further, much of the right of way would traverse a large wash system that would make any decision to develop it not very cost effective.

If you need any other support for the GLO or 27th St abandonment, please let me know.

Regards

Jack Rutherford  
12652 E Turquoise Ave  
Scottsdale, AZ 85259.

**Try the New Netscape Mail Today!**

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**ATTACHMENT #8**

3/8/2006

02/22/2006 14:35 4809517461  
Feb 22 06 12:38p

PAGE 06  
P.3

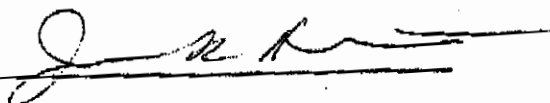
TO: CITY OF SCOTTSDALE  
PLANNING DEPARTMENT

FROM: JIM HARTSOCK  
12707 E. GOLD DUST AVENUE

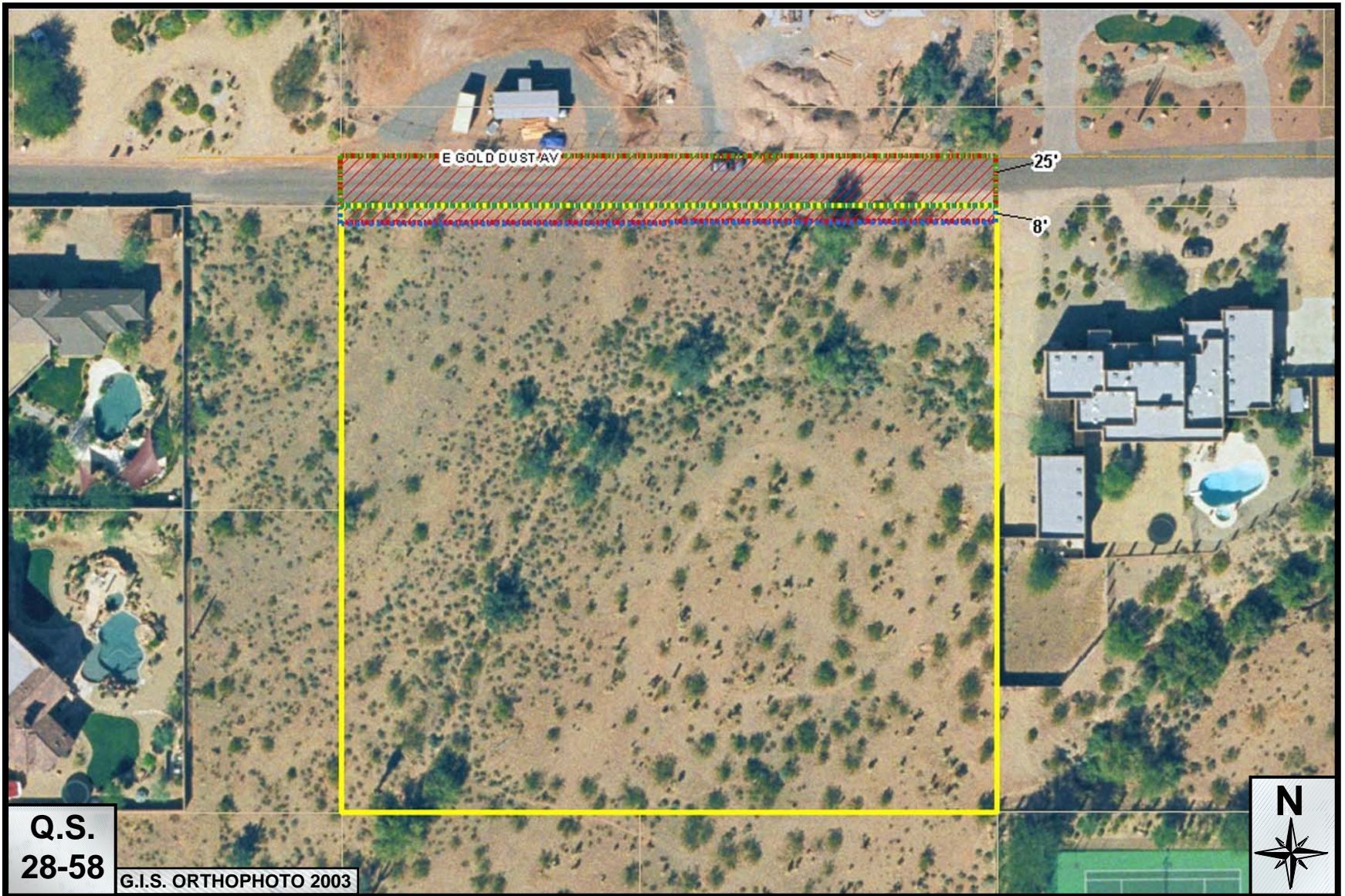
RE: 12655 E. GOLD DUST AVENUE  
1 - AB - 2006

I own the home on the east side of the subject property. I have received the mailings regarding the above-referenced GLO Abandonment as well as the ESLO Hardship Exemption. Given the drainage patterns of the property and the NAOS locations on the adjacent properties, I think the proposed solution would work. Holding to the 15' side yard wall setback does not seem to make any sense when none of the neighboring properties have done so. I am, therefore, in support of these requests before the City.

Date 2/22/06

By 





## Gold Dust Lot Split

### Legend

- 25' Street ROW
- 8' Trail and Utility Easement
- Property Line
- GLO Patent Easement

**1-AB-2006**

**ATTACHMENT #9**